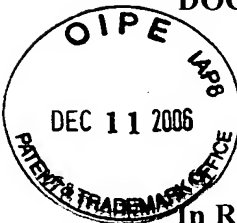


12-12-06

C9C  
PATENT

DOCKET NO.: CEPF-0006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Certificate**

DEC 14 2006

**of Correction**

In Re Application of:

Olivier Neckebroek, Pierre Leproust

Confirmation No.: 8401

Patent No.: 7,132,570

Issued: November 7, 2006

Application No.: 10/539,918

Filing Date: February 7, 2006

**For: Method For The Production Of Crystalline Forms And Crystalline Forms Of  
Optical Enantiomers Of Modafinil**

12/12/2006 HDEMESS1 00000055 7132570

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100.00 0P

EXPRESS MAIL LABEL NO: EV 864897273 US

DATE OF DEPOSIT: December 11, 2006

EV864897273US

Commissioner for Patents  
Attn: Certificate of Correction Branch  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 CFR § 1.322 & 37 CFR § 1.323**

It is respectfully requested that a Certificate of Correction be issued for the above-identified patent. The patent has **three** errors; **one** of which occurred through the fault of the Patent and Trademark Office, and **two** errors were the fault of the applicant. Applicant's errors occurred in good faith and are of a clerical or typographical nature, or minor character, and are not believed to constitute new matter or require examination.

One of the errors which occurred through the fault of the Patent and Trademark Office relates to the § 371 (c)(1)(2)(4) date accorded to the patent. Applicants note that the documents to complete the requirements under § 371 (c)(1)(2)(4) were submitted February 7, 2006, not February 17, 2006, as shown on the face of the patent. Enclosed herewith are copies of the documents in question, and the date-stamped return postcard received from the Patent and Trademark Office in this regard.

Enclosed herewith please find a completed Certificate of Correction form.

☐ Please charge Deposit Account No. 23-3050 in the amount of \$       .00      .  
This sheet is attached in duplicate. (See 37 CFR § 1.20(a))

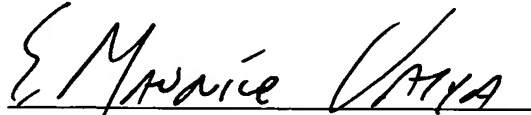
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DOCKET NO.: CEPF-0006

PATENT

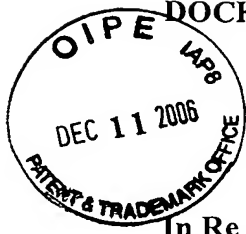
- ☒ A check in the amount of \$100.00 is attached.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Date: December 11, 2006

  
S. Maurice Valla  
Registration No. 43,966

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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DOCKET NO.: CEPF-0006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Olivier Neckebroek, Pierre Leproust

Confirmation No.: 8401

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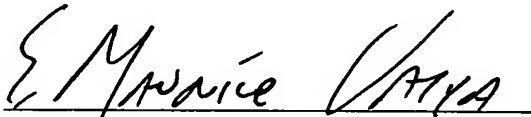
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This sheet is attached in duplicate. (See 37 CFR § 1.20(a))

DOCKET NO.: CEPF-0006

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Date: December 11, 2006

  
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Registration No. 43,966

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO : US 7,132,570  
DATED : November 7, 2006  
INVENTOR(S) : Olivier Neckebroek, Pierre Leproust

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page:

At (86), please delete "Feb. 17, 2006" and insert --Feb 7, 2006-- therefor.

Column 14

Line 5, please delete "preferably" and insert --preferable-- therefor.

Column 39

Line 43, please delete "modafilil" and insert --modafinil-- therefor.

MAILING ADDRESS OF SENDER: S. Maurice Valla, Woodcock Washburn LLP PATENT NO. 7,132,570

Cira Centre

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2929 Arch Street, 12th Floor



Philadelphia, PA 19104-2891

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Attn: Certificate of Correction Branch, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

DEC 15 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO : US 7,132,570  
DATED : November 7, 2006  
INVENTOR(S): Olivier Neckebroek, Pierre Leproust

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page:

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Column 39

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MAILING ADDRESS OF SENDER: S. Maurice Valla, Woodcock Washburn LLP      PATENT NO. 7,132,570

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Philadelphia, PA 19104-2891

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153 Rec'd PCT/PTO 07 FEB 2006

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Via Express Mail # EV 482612263 US

Paper: Transmittal Letter to PCT/DO/EO/US in duplicate; executed Declaration/Power of Attorney (10 sh.); Application Data Sheet (7 sh.); communication (1 sh.); check in the amount of \$130.00.

Applicant(s): **Olivier NECKEBROCK, et al.**

Title: **PROCESS FOR THE PREPARATION OF AND  
CRYSTALLINE FORMS OF OPTICAL ENANTIOMERS OF  
MODAFINIL**

U.S. Serial No.: **10/539,918**

Int'l Appln. No.: **PCT/FR2003/003799**

Int'l Filing Date: **18 December 2003**

Docket No.: **CEPF-0006**

Date Sent: February 7, 2006 Miller/Cherry/Valla/vchicchi

DEC 15 2006

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER  
CEPF-0006

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (if known see 37 CFR 1.5)  
10/539,918INTERNATIONAL APPLICATION NO.  
PCT/FR2003/003799INTERNATIONAL FILING DATE  
18 December 2003 (18.12.2003)PRIORITY DATE CLAIMED  
20 December 2002 (20.12.2002)

TITLE OF INVENTION PROCESS FOR THE PREPARATION OF AND CRYSTALLINE FORMS OF OPTICAL ENANTIOMERS OF MODAFINIL

APPLICANT(S) FOR DO/EO/US Olivier NECKEBROCK, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9), and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 20. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.182-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - communication;
  - return postcard.

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U.S. APPLICATION NO. (if known 37 C.F.R. 1.5) <b>10/539,918</b>		INTERNATIONAL APPLICATION NO. <b>PCT/FR2003/003799</b>		ATTORNEY DOCKET NUMBER <b>CEPF-0006</b>	
The following fees are submitted:					
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))		<b>\$300</b>		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		<b>\$0.00</b>		\$	
All other situations		<b>\$200</b>			
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		<b>\$0</b>			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		<b>\$100</b>		\$	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		<b>\$400</b>			
All other situations		<b>\$500</b>			
<b>TOTAL of 21, 22 and 23 =</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50=		X \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				<b>\$130.00</b>	
Claims	Number Filed	Number Extra	Rate		
Total claims	- 20 =		X \$50	\$	
Independent Claims	- 3 =		X \$200	\$	
Multiple dependent claims(s) (if applicable)			+ \$360	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$130.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				<b>\$130.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$130.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					
<b>TOTAL FEES ENCLOSED =</b>				<b>\$130.00</b>	
				Amount to be refunded	\$
				Amount to be charged	\$

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- a. ☒ A check in the amount of \$130.00 to cover the above fee is enclosed.
- b. ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3050. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Suzanne E. Miller  
Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
(215) 568-3100

  
SIGNATURE

S. Maurice Valla  
NAME

43,966  
REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Olivier NECKEBROCK, Laurent COURVOISIER, Stéphanie GRAF, Gilles SERRURE, Gérard COQUEREL, Sébastien ROSE, Christine BESSELIEVRE, Franck MALLET, Adriaan Jan VAN LANGEVELDE

For: PROCESS FOR THE PREPARATION OF AND CRYSTALLINE FORMS OF OPTICAL ENANTIOMERS OF MODAFINIL

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is directed to:

- ☐ The attached application,
- ☒ Application No. 10/539,918, filed on 16 June, 2005, as amended on (if applicable);
- ☒ was described and claimed in PCT International Application Number PCT/FR03/03799, filed on 18 December 2003 and as amended under PCT Article 19 on and/or PCT Article 34 on

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the above-captioned application.

I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby appoint all the practitioners associated with Customer Number 46347 to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Each practitioner associated with Customer Number 46347 is an attorney or agent registered before the United States Patent and Trademark Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 1

Olivier  
(Given Name)

(Middle Initial or Name)

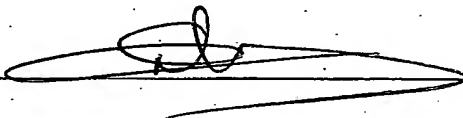
NECKEBROCK  
(Family or last name)

City/State of Actual Residence: Pontault Combault, France

Mailing Address: 13, rue du Rhinocéros Blanc  
(include street address, city, state, Pontault Combault France 77340  
and zip code)

Country of Citizenship: France

Inventor's signature: \_\_\_\_\_



Date: 11 OCT 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 2

Laurent  
(Given Name)

\_\_\_\_\_  
(Middle Initial or Name)

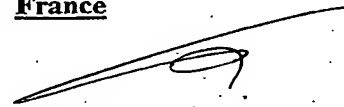
COURVOISIER  
(Family or last name)

City/State of Actual Residence: Laigneville, France

Mailing Address: 9, rue Matisse  
(include street address, city, state, Laigneville, France 60290  
and zip code)

Country of Citizenship: France

Inventor's signature: \_\_\_\_\_



Date: 10 October 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 3

Stéphanie  
(Given Name)

\_\_\_\_\_  
(Middle Initial or Name)

GRAF  
(Family or last name)

City/State of Actual Residence: Belloy En France, France

Mailing Address: 9, allée Renoir  
(include street address, city, state, Belloy En France, France 95270  
and zip code)

Country of Citizenship: France

Inventor's signature: \_\_\_\_\_



Date: 10 October 2005



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 4

Gilles

(Given Name)

(Middle Initial or Name)

SERRURE

(Family or last name)

City/State of Actual Residence: Vernouillet, France

Mailing Address:

(include street address, city, state,  
and zip code)

19, avenue de la Chataigneraie  
Vernouillet, France 78540

Country of Citizenship: France

Inventor's signature: \_\_\_\_\_



Date: 13/10/2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 5

Gérard  
(Given Name)

François  
(Middle Initial or Name)

COQUEREL  
(Family or last name)


City/State of Actual Residence: Boos, France

Mailing Address:  
(include street address, city, state,  
and zip code)

192, rue de l'Eglise  
Boos, France 76520

Country of Citizenship: France

Inventor's signature: \_\_\_\_\_



Date: 07 October 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 6

Sébastien  
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\_\_\_\_\_  
(Middle Initial or Name)

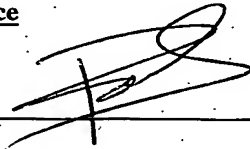
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Date: 10 October 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor # 8

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Inventor's signature: 

Date: 07 October 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Adriaan  
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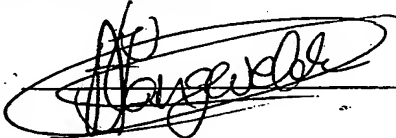
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Date: 19/10/2005



## Application Data Sheet

### Application Information

**Application number:** 10/539,918

**Filing Date:**

**Application Type:** Regular

**Subject Matter:** Utility

**Suggested Classification:**

**Suggested Group Art Unit:**

**CD-ROM or CD-R:** None

**Number of CD Disks:**

**Number of copies of CDs:**

**Sequence Submission?**

**Computer Readable Form (CRF)?**

**Number of Copies of CFR:**

**Title:** PROCESS FOR THE PREPARATION OF AND  
CRYSTALLINE FORMS OF OPTICAL  
ENANTIOMERS OF MODAFINIL

**Attorney Docket Number:** CEPF-0006

**Request for Early Publication:** No

**Request for Non-Publication:** No

**Suggested Drawing Figure:** n/a

**Total Drawing Sheets:** 16

**Small Entity?:** No

**Latin name:**

**Variety denomination name:**

**Petition included?:** No

**Petition Type:**

**Licensed US Govt. Agency:**

**Contract or Grant Numbers:**

**Secrecy Order in Parent Appl.?:** No

DEC 15 2006

## Applicant Information

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DEC 15 2006

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DEC 15 2006

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**City of Mailing Address:**  
**State or Province of Mailing Address:**  
**Country of Mailing Address:**  
**Postal or Zip Code of Mailing Address:**  
**Phone number:**  
**Fax number:**

## Representative Information

**Representative Customer No.:** 46347

## Domestic Priority Information

**Application:**      **Continuity Type:**      **Parent Application:**      **Parent Filing Date:**

DEC 15 2006

## Foreign Priority Information

<b>Country:</b>	<b>Application No.:</b>	<b>Filing Date:</b>	<b>Priority Claimed:</b>
France	0216412	December 20, 2002	Yes

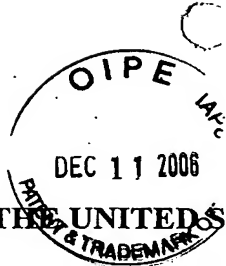
## Assignee Information

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<b>Country of mailing address:</b>	France
<b>Postal or Zip Code of mailing address:</b>	F-94700

AND

<b>Assignee name:</b>	Organisation De Synthese Mondiale
	Orsymonde
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<b>City of mailing address:</b>	Maisons Alfort
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DEC 15 2006



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:** Olivier NECKEBROCK, et al.

**U.S. Serial No.:** 10/539,918

**Group Art Unit:** not yet known

**International Application No.:** PCT/FR2003/003799 **Examiner:** not yet assigned

**International Filing Date:** 18 December 2003

**For:** PROCESS FOR THE PREPARATION OF AND CRYSTALLINE FORMS OF  
OPTICAL ENANTIOMERS OF MODAFINIL

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application was filed without an executed Declaration/Power of Attorney. Although no "Notification of Missing Requirements" has been received, applicant herewith submits the executed copy along with the required surcharge of \$130.00 under 37 CFR 1.16(e).

Respectfully submitted,

S. Maurice Valla  
Registration No. 43,966

Date: February 7, 2006

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DEC 15 2006